



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,697	06/18/2001	Hiroshi Itzuka	P100158-00034	8595

23353 7590 11/19/2002

RADER FISHMAN & GRAUER PLLC  
LION BUILDING  
1233 20TH STREET N.W., SUITE 501  
WASHINGTON, DC 20036

EXAMINER

MAKI, STEVEN D

ART UNIT	PAPER NUMBER
----------	--------------

1733

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/881,697

Applicant(s)

IIZUKA ET AL.

Examiner

Steven D. Maki

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

Art Unit: 1733

1) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2) **Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (specification page 1 lines 9-25, page 2 lines 1-4, page 9 lines 2-6) in view either Montagne (US 3763911) or Japan '705 (JP 11-342705).**

The admitted prior art discloses a pneumatic tire having a ribbed tire having grooves whose width is widened during inflation wherein both groove walls are inclined at 80 degrees with respect to the tread surface. A thin rib is not provided in the main groove. The admitted prior art appears to teach that uneven wear occurs with this tire. However, it would have been obvious to one of ordinary skill in the art to include an narrow outwardly inclined groove in the ribbed tread of the admitted prior art such that the inclined narrow groove is adjacent the main groove so as to define an outer thin rib in view of (a) Montagne's suggestion to include inclined narrow grooves 24 in a rib containing tread such that thin ribs are formed in the main groove *to prevent undesirable furrow wear* or (b) Japan '705's teaching to include an inclined narrow groove 5 in a ribbed tread such that a thin rib is formed in the main groove *to improve railway abrasion resistance*.

In claim 1, "near" is a relative term which fails to require a narrow groove / thin rib location not suggested by either Montagne or Japan '705. Claim 1 fails to exclude two

Art Unit: 1733

narrow grooves 24 for each main groove as disclosed by Montagne. Claim 1 fails to exclude a narrow groove 4 in addition to narrow groove 5 as disclosed by Japan '705.

As to claim 2, note the inner inclined groove wall of the main groove of either Montagne or Japan '705.

As to claim 3, the claimed height difference of 0-4 mm would have been obvious in view of Montagne's teaching to form narrow grooves 24 in the tread such that thin ribs such that a "pointed top face" is slightly below the tread surface to prevent undesirable furrow wear.

As to claim 4, the limitation of the space width being 4 mm or smaller would have been obvious in view of either (a) Montagne's teaching to use a narrow width for the narrow grooves 24 or (b) Japan '705's teaching a narrow groove 5 width of 2-3 mm.

**3) Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (specification page 1 lines 9-25, page 2 lines 1-4, page 9 lines 2-6) in view either Montagne (US 3763911) or Japan '705 (JP 11-342705) as applied above and further in view of Kukimoto et al (US 5445201).**

As to claim 5, it would have been obvious to make the main grooves of the admitted prior art straight since Kukimoto et al, also directed to preventing wear, suggests using a straight configuration for thin rib containing main grooves.

#### Remarks

- 4) The remaining references are of interest.
- 5) No claim allowed.

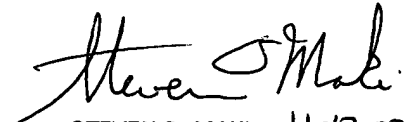
Art Unit: 1733

6) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is 703-308-2068. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Steven D. Maki  
November 17, 2002

  
STEVEN D. MAKI 11-17-02  
PRIMARY EXAMINER  
~~GROUP 1300~~  
AU 1733